

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

FELIX SANTOS-RIOS,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent

Civil No. 02-1980 (HL)
Criminal No. 00-1100(HL)

AMENDED ORDER

<p>The Court hereby APPROVES AND ADOPTS Chief Magistrate Judge Justo Arenas' Report and Recommendation, recommending that petitioner Santos-Rios's section 2255 petition be GRANTED. (<u>See</u> Docket No. 26.) The Court hereby VACATES the original sentence, and hereby REIMPOSES the same sentence <i>nunc pro tunc</i>. <u>See United States v. Torres-Otero</u>, 232 F.3d 24, 30-31 (1st Cir. 2000). The Court notes that defendant Santos-Rios filed a notice of appeal on October 28, 2004. <u>See</u>, however, Fed. R. App. P. 4(b)(2).</p>

Date: December 9, 2004

S/ HECTOR M. LAFFITTE
U.S. District Judge